

Judge Mary Jo Heston  
Chapter 13  
Location: Tacoma  
Hearing Date: November 20, 2020  
Hearing Time: 9:00 a.m.

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

IN RE:

SARAH HOOVER,

Debtor,

BK Case No. 19-42890-MJH

Adversary Case No. 20-04002-MJH

**DECLARATION OF JOHN  
MCINTOSH IN SUPPORT OF IH6  
PROPERTY'S REPLY**

SARAH HOOVER,

Plaintiff,

v.

QUALITY LOAN SERVICE CORP. OF  
WASHINGTON, et. al.,

Defendants.

I, John McIntosh, declare as follows:

1. I am one of the attorneys for IH6 Property Washington, L.P. ("IH6 Property"). I am of legal age and competent to testify. I have personal knowledge of the statements made in this declaration.

2. Attached hereto as Exhibit A are relevant portions of the transcript of Sarah Hoover's deposition.

I declare under the penalty of perjury that the foregoing is true and correct.

DECLARATION OF MCINTOSH IN SUPPORT OF  
IH6 PROPERTY'S REPLY - 1

**SCHWEET LINDE & COULSON, PLLC**

575 S. MICHIGAN ST.  
SEATTLE, WA 98108

P (206) 275-1010 F (206) 381-0101

1 Dated: November 17, 2020.

2 /s/John A. McIntosh  
3 John A. McIntosh, WSBA 43113  
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DECLARARATION OF MCINTOSH IN SUPPORT OF **SCHWEET LINDE & COULSON, PLLC**  
IH6 PROPERTY'S REPLY - 2  
575 S. MICHIGAN ST.  
SEATTLE, WA 98108

P (206) 275-1010 F (206) 381-0101

UNITED STATES BANKRUPTCY COURT  
 WESTERN DISTRICT OF WASHINGTON AT TACOMA

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In re	)
SARAH HOOVER,	)
Debtor.	) Chapter 13
SARAH HOOVER,	) No. 19-42890-MJH
Plaintiff,	) Adversary No. 20-04002-MJH
vs.	)
QUALITY LOAN SERVICE	)
CORPORATION OF WASHINGTON,	)
PHH MORTGAGE CORPORATION	)
D/B/A PHH MORTGAGE SERVICES,	)
HSBC BANK USA, N.A., AS	)
TRUSTEE OF THE FIELDSTONE	)
MORTGAGE INVESTMENT TRUST,	)
SERIES 2006-2, NEWREZ, LLC,	)
AND IH6 PROPERTY WASHINGTON,	)
L.P. D/B/A INVITATION HOMES,	)
Defendants.	)

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Zoom Deposition Upon Oral Examination of SARAH V. HOOVER

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Tuesday, August 18, 2020

REPORTED BY: Keri A. Aspelund, RPR, CCR No. 2661

SEATTLE DEPOSITION REPORTERS, LLC

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1 confirm this, that there was a tax return filed for the  
2 trust in 2015, and were there -- was there a tax return  
3 filed for 2016, '17, '18, '19, or '20?

4 A. No.

5 Q. So the only tax return that's been filed for the  
6 trust is for the year of 2015?

7 A. Yes.

8 Q. Is it true the trust sold property in 2016?

9 A. I'm not sure when it was, but the trust did sell  
10 property.

11 Q. Did the trust have any other property, other  
12 than the three pieces of real estate?

13 A. No.

14 Q. Were there proceeds from the Edward Jones fund  
15 that were supposed to be transferred to the trust?

16 A. Not -- no.

17 Q. Does the trust maintain a separate bank account?

18 A. Yes.

19 Q. Why?

20 A. It was advised to me to do -- to do that.

21 Q. Who advised you?

22 A. The attorney that drafted the trust, I believe.

23 Q. Bank account with BECU?

24 A. Yes.

25 Q. Is it in your name?

1           A.    I believe it's in the trust's name.

2           Q.    Does Amir Suleiman have access to the trust --  
3   to that bank account?

4           A.    Yes.

5           Q.    What did the bank account get used for?

6           A.    It was used to pay any expenses and to receive  
7   any monies from the sale of properties.

8           Q.    So you would sell the properties, the two  
9   properties that were sold, the proceeds that were entitled  
10   to the seller of the trust would get disbursed to the trust  
11   bank account, and from there you would disburse them to  
12   your siblings and you?

13          A.    Yes.

14          Q.    And this was you controlling this?

15                MS. HENRY:  Objection to form.

16                MR. JOHN McINTOSH:  You can elaborate on that  
17   objection, Christina.

18                MS. HENRY:  Well, we know that there's two  
19   co-trustees.  You're putting words in her mouth, so I'm  
20   objecting to form.  She didn't do anything by herself.  As  
21   part of this trust, she's testified that Ali Suleiman is  
22   part of the bank account.  So to the extent that you're  
23   confusing her, I'm objecting to form.

24                MR. JOHN McINTOSH:  I don't recall ever hearing  
25   that Ali Suleiman was part of the bank account.

1 Q. Did it say that as soon as practicable after Ali  
2 Suleiman's death, that the trustee shall transfer the  
3 property to you?

4 MS. HENRY: Objection to form. You're  
5 testifying about a document that speaks for itself.

6 Q. Go ahead and answer.

7 A. I mean, the process of how to do this I've  
8 always thought was done when you sign all that paperwork,  
9 when you file -- when you buy a house, and you sign all  
10 those papers, so if there is another process to do that,  
11 I'm unaware of it.

12 Q. Did you ever discuss deeding the property from  
13 the trust to you with an attorney or an accountant?

14 A. Did I ever discuss deeding the property -- say  
15 it again -- from --

16 Q. The trust to you with an attorney or an  
17 accountant?

18 A. I can't remember.

19 Q. Did you ever discuss the property in any way  
20 with Jerry Gintz?

21 A. I don't think so.

22 Q. Is it your understanding that under the trust  
23 agreement, you, as one of the co-trustees, were permitted  
24 to leave the property in the trust?

25 A. It was my understanding that there was no time

1     frame when that had to be transferred.

2           Q.     Have you used any trust proceeds to pay the loan  
3     that is the subject of this litigation?

4           A.     Have -- I used the money that I inherited, my --  
5     what I got.

6           Q.     Did you make payments on the loan from the trust  
7     bank account?

8           A.     No.

9           Q.     How would it work?

10          A.     I made payments from my account.

11          Q.     So you would disburse the real property sale  
12     proceeds that you received from the sales of the trust  
13     property to you personally and then to the -- to PHH or  
14     Ocwen?

15                 MS. HENRY:   Objection to form.   That's not what  
16     her testimony was.

17          A.     I -- the money was disbursed equally between me  
18     and my living siblings, and what we each did with the money  
19     was what we each did with the money, and what I used the  
20     money for, I used it -- part of it was to pay.

21          Q.     And there were no other trust assets, other than  
22     the three pieces of real property?

23                 MS. HENRY:   Objection to form.   She's testified  
24     about Edward Jones; don't confuse her.

25                 MR. JOHN McINTOSH:   Well, the confusion is